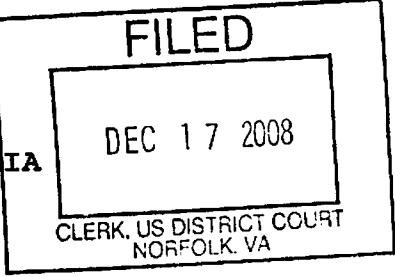


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LANDON R. HUMPHREY, et al.,

Plaintiffs,

v.

ACTION NO. 2:08cv68

GLOBAL EQUITY LENDING, INC., et al.,

Defendants.

FINAL ORDER

Plaintiffs brought this action alleging violations of the Truth in Lending Act ("TILA"), 15 U.S.C. § 1601 et. seq. and the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. § 2601 et seq., as well as state law claims including violations of the Mortgage Lender and Broker Act ("MLBA"), Va. Code Ann. § 6.1-408 et seq., breach of contract, breach of implied covenant of good faith and fair dealing and unjust enrichment.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation on a motion to dismiss filed by Defendant Professional Foreclosure Corporation of Virginia ("PFC"). The Report and Recommendation of the Magistrate Judge was filed on November 26, 2008, recommending that

PFC's motion to dismiss be treated as a motion for judgment on the pleadings pursuant to Rule 12(c), and that the motion be granted without prejudice to plaintiffs' rights to bring any viable state law claims in state court. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.¹

The Court hereby ADOPTS the findings and recommendations set forth in the report and recommendation of the United States Magistrate Judge filed on November 26, 2008, and PFC's motion to dismiss is hereby GRANTED and, with respect to PFC, this matter is dismissed without prejudice to plaintiffs' rights to bring any viable state law claims in state court.

The plaintiffs are ADVISED that they may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within thirty (30) days from the date of

¹The Court notes that on December 1, 2008, the copy of the Report and Recommendation, mailed to plaintiffs at their last known address, was returned to the Court as "undeliverable" with the further notation "forwarding order expired." The Court notes that pursuant to Rule 7 of the Local Civil Rules of the United States District Court for the Eastern District of Virginia, pro se plaintiffs have an affirmative duty to advise the Court of a current address where notice can be served upon them.

this Order.

The Clerk shall forward a copy of this Final Order to pro se plaintiffs and to counsel of record for defendants.

/s/ MSD

Mark S. Davis
United States District Judge

Norfolk, Virginia
December 17, 2008